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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081.988	02/22/2002	Thomas E. Wright	20356.NP	1740
20551 7590 01/09/2007 THORPE NORTH & WESTERN, LLP. 8180 SOUTH 700 EAST, SUITE 200 SANDY, UT 84070			EXAMINER TINKLER, MURIEL S	
			ART UNIT	PAPER NUMBER
			3691	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/09/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/081,988	<b>Applicant(s)</b> WRIGHT ET AL.	
	<b>Examiner</b> Muriel Tinkler	<b>Art Unit</b> 3691	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 5-12 and 14-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The application has been reviewed. The original claims 1-15 are pending.

Rejections are as stated below.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5-12 and 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 5 refers to, "A method as in claim 5". It is unclear if claim 5 is pointing to itself or if the referenced claim has been typed incorrectly. Therefore claim 5, along with its dependent claims (claims 6-12) will not be considered.
4. Claim 15 refers to, "A real estate referral system as in claim 16". There is no such claim as claim 16. Therefore claim 15, along with its dependent claim 14 will not be considered.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hastings (US 6,751,596 B1) in view of Broerman (US 6,594,633 B1).

7. Claims 1 and 2 discuss a method for referring a real estate buyer from a referring real estate broker to a listing real estate broker through a collective listing organization, comprising the steps of: storing a plurality of real estate listings from the listing real estate broker in a database managed by the collective listing organization; displaying the plurality of real estate listings from the database to the real estate buyer through a broker web site associated with each referring real estate broker; recording a personal showing time entered by the real estate buyer viewing the plurality of real estate listings; sending the personal showing time to the listing real estate broker; paying the collective listing organization a commission when the real estate buyer purchases real estate based on the personal showing time from the listing real estate broker; and, further comprising the step of paying a commission to both the referring real estate broker and the collective listing organization when the real estate buyer purchases a real estate listing from the listing sales broker based on the personal showing time provided to the listing real estate broker. Hastings discloses: on page 5 and lines 41-43 of the specification, "The system has access to a client database and a real estate property listings database. The listings database includes listings of property with property profile data"; on page 10 and lines 26-30 of the specification, "If the entries are valid, the system provides access to property profile information for display on a display monitor. The information might then be stored in the user's PC 34 or television system 36, or printed on the user's printer"; on page 10 and lines 39-43 of the specification, "The SRP

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may designate the viewing as exclusive or open. Exclusive viewings are private. Open viewings allow the system to notify other buyers whose search parameters also match the property's features, of the date and time of the showing"; and, on page 4 and lines 38-41 of the specification, "The brokerage agreement provides that the SRP will be entitled to a pre-negotiated share of the commission paid to the brokerage office that is earned through the SRP's purchase of a home". Hastings does disclose a 'self-representing principle' performing the above procedures. Hastings does not disclose a broker performing the above procedures. Broerman teaches the use of real-estate brokerage on page 1 and lines 5-8 of the specification, "The invention is generally related to computers and computer software, and to the provision of real estate brokerage and associated services to users coupled to an electronic communications medium." Therefore it would be obvious to a person having ordinary skill in the art at the time the invention was made to modify Hastings in view of Broerman to use brokers for help with finding a listed property.

8. Claim 3 discusses a method as in claim 1, further comprising the step of allowing the real estate buyer to request a personal showing time that is selected from the showing times consisting of morning, midday, evening, or a specific time, if desired. Claim 1 has been rejected based on the discussions above. Hastings and Broerman disclose the information from claim 1. Hastings does not disclose the use of a real-estate broker. Broerman teaches the use of a real-estate broker on page 1 and lines 5-8 as shown in the rejection of claim 1. Broerman also teaches teaches on page 12 and lines 53-60 of the specification, "The interactive scheduling may be accomplished by

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many techniques known to those skilled in the art. For example, a text or graphical calendar may be presented for times available and/or not available to the other party. The party desiring an appointment may be allowed to add the appointment by sending a message such as an e-mail message that, if accepted by the other party, would automatically be added to both parties' schedules." Therefore it would be obvious to a person having ordinary skill in the art at the time the invention was made to modify Hastings in view of Broerman to use brokers for help with finding a listed property.

9. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hastings (US 6,751,596 B1) in view of Mini (US 6,684,196 B1).

10. Claim 4 discusses a method for referring a real estate buyer from a referring real estate broker to a listing real estate broker through a collective listing organization, comprising the steps of: storing a plurality of real estate listings from the listing real estate broker in a database managed by the collective listing organization; displaying the plurality of real estate listings to the real estate buyer from the database through a web site for the referring real estate broker; recording referral information entered by the real estate buyer who views the plurality of real estate listings; contacting the real estate buyer to determine whether or not they are a qualified referral; sending the referral information to the listing real estate broker if the real estate buyer is a qualified referral; paying the collective listing organization a commission when the real estate buyer purchases real estate from the listing real estate broker. Hastings discloses storing listing information in a database on page 5 and lines 41-43, as shown in the rejection of

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claim 1. Hastings discloses the displaying of a plurality of listings on page 10 and lines 26-30, as shown in the rejection of claim 1. Hastings discloses paying a split commission on page 4 and lines 38-41, as shown in the rejection of claim 1. Hastings does not disclose the use of a real-estate broker, recording referral information from the buyer, or determining buyer qualifications. Mini teaches the use of a real-estate brokerage operating online on page 3 and lines 45-52 of the specification, "A real estate site designed according to the present invention could, for example, take advantage of such efficiencies by having more professional expertise (e.g., real estate lawyers, tax advisers, etc.) available than is practicable at a real estate brokerage operating under the current paradigm. According to one embodiment, these reduced transaction costs may be passed on to users in the form of cash rebates which accrue as selected stages of the transaction are completed." Mini also discloses the recorded referral information from the buyer, or determining buyer qualifications on page 9 and lines 53-63, "If the buyer is determined at block 1202 not to be prequalified, she is instructed to log into her personalized process manager, access the appropriate service page (i.e., the loan service page), review the available loan options, and select a loan option. If the buyer selects a loan option which is administered through the web site, she is prompted to fill out any remaining information for submission of the loan application whereupon the loan application is processed by the selected loan provider who is also a partner with the web site." Therefore it would be obvious to a person having ordinary skill in the art at the time the invention was made to modify Hastings in view of Mini to use brokers for help

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with finding a listed property and to pre-qualified buyers so that home-buyers can view houses within their price range.

Claim 13 discusses a real estate referral system for referring a real estate buyer from a referring real estate broker to a listing real estate broker through a collective listing organization, comprising a database to store a plurality of real estate listings from a listing real estate broker wherein the database is managed by the collective listing organization; a graphical user interface coupled to the database for displaying the plurality of real estate listings to the real estate buyer; a web site for the referring real estate broker that is linked through the graphical user interface to the database; a referral engine to record referral information from the real estate buyer, who accesses real estate listings through the referring real estate broker's web site, to transfer the referral information to a listing real estate broker; and wherein a commission is paid to the collective listing organization when the real estate buyer purchases real estate from the listing real estate broker. Hastings discloses storing listing information in a database on page 5 and lines 41-43, as shown in the rejection of claim 1. Hastings discloses the displaying of a plurality of listings on page 10 and lines 26-30, as shown in the rejection of claim 1. Hastings discloses paying a split commission on page 4 and lines 38-41, as shown in the rejection of claim 1. Hastings discloses on page 10 and lines 17-19 of the specification, "In yet another method of retrieving property information, the SRP accesses the system's Web page through an Internet connection." Hastings does not disclose the use of a real-estate broker or a referral engine. Mini



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teaches the use of a real-estate brokerage operating online on page 3 and lines 45-52 of the specification, as shown in the rejection of claim 4. Mini also discloses the act of referring clients on page 8 and lines 27-36, "a potential buyer would visit the web site... the buyer is presented with and fills out a registration form which includes personal data... This information is stored in a database associated with the site." Therefore it would be obvious to a person having ordinary skill in the art at the time the invention was made to modify Hastings in view of Mini to use brokers for help with finding a listed property and to store the buyers information in a central database.

### ***Conclusion***

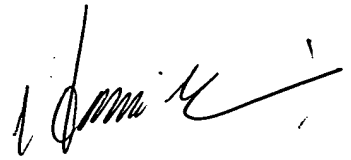
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muriel Tinkler whose telephone number is (571)272-7976. The examiner can normally be reached on Monday through Friday from 7:30 AM until 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT  
December 26, 2006



**HANI M. KAZIMI**  
**PRIMARY EXAMINER**